

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RONAN MCCABE,)	
RANDA HERRING,)	
JON DUSTIN STONE,)	CIVIL ACTION NO.
ADAM DEUEL,)	
MINH VO,)	1:12-cv-02494-TCB
Individually,)	
and on behalf of)	
all others similarly situated)	
)	
Plaintiffs,)	
)	
v.)	
)	
DAIMLER AG and)	
MERCEDES-BENZ USA, LLC,)	
)	
Defendants.)	

PLAINTIFFS' UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Plaintiffs respectfully request the Court enter the unopposed amendment to the scheduling order in order to conserve judicial resources and the resources of the parties and counsel. The current scheduling order called for dispositive motions by April 2015. Defendants filed on October 24, 2014 a motion for summary judgment on all remaining counts. Plaintiffs will be timely responding to this motion for summary judgment. The current scheduling order, however, provided for Plaintiffs' motion for class certification to be filed by November 28, 2014. While

Plaintiffs oppose the motion for summary judgment and will submit evidence that Plaintiffs believe will support denying the motion, the parties agree that it makes sense to put off class certification briefing and the costs of expert discovery pending the Court's ruling on Defendants' motion for summary judgment, which if granted would resolve the case. Based on their experience in other cases, Plaintiffs' counsel believe the Court's practice is to rule on class certification after resolving motions for summary judgment. Accordingly, this modification to the schedule will avoid additional briefing and a motion should the Court find that said motion is unnecessary.

A proposed order is attached.

This 21st day of November, 2014.

Respectfully submitted,

CONLEY GRIGGS PARTIN LLP

/s/ Ranse Partin

Ranse M. Partin
Georgia Bar No. 556260

The Hardin Building
1380 West Paces Ferry Road
Suite 2100
Atlanta, Georgia 30327

Telephone: 404-467-1155
Facsimile: 404-467-1166
ranse@conleygriggs.com

**WIGINGTON RUMLEY DUNN &
RITCH, L.L.P.**

Joseph M. Dunn
Texas Bar No. 06245650

601 Howard Street
San Antonio, Texas 78212
Telephone: (210) 487-7500
Telecopier: (210) 487-7501
jdunn@wigrum.com

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing **Plaintiffs' Unopposed Motion to Amend Scheduling Order**, by electronically filing said pleading with the Clerk of the Court, using the CM/ECF electronic filing system, which will automatically send notice of said filing via electronic mail to the following attorneys of record:

Stephen B. Devereaux, Esq.
King & Spalding, LLP
1180 Peachtree Street, N.E.
Suite 1700
Atlanta, Georgia 30309-3521
sdevereaux@kslaw.com
Counsel for Defendants

This 21st day of November, 2014.

CONLEY GRIGGS PARTIN LLP

/s/ Ranse Partin

Ranse Partin
Georgia Bar No. 556260

The Hardin Building
1380 West Paces Ferry Road
Suite 2100
Atlanta, Georgia 30327
Telephone: 404-467-1155
Facsimile: 404-467-1166
cale@conleygriggs.com
ranse@conleygriggs.com